

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned to the Western Section Court of Appeals on Briefs March 30, 2007

**STATE EX REL. PATSY M. YOUNG v. DANNY FISH**

**An Appeal from the Circuit Court for Warren County**  
**No. 7121     Larry Barton Stanley, Jr., Judge**

---

**No. M2005-02671-COA-R3-CV - Filed on May 23, 2007**

---

This case involves the modification of child support by a special judge. The parties divorced in 1994, and the father was ordered to pay child support for the parties' minor child. In 1998, the father filed a petition to be relieved from paying child support. A hearing on the father's motion was held in 1999 by the clerk and master of the trial court, sitting as a special judge. After the hearing, the special judge entered an order reducing the father's child support obligation. In 2004, the State, on behalf of the mother, filed the instant petition for child support arrears. In the motion, the State argued that the father's arrearage must be calculated using the original amount of his child support obligation because the 1999 order entered by the clerk and master acting as special judge was invalid. The trial court held that, although proper procedure may not have been followed, the clerk and master was a *de facto* judge acting under color of right. Therefore, the father's arrearage was calculated using the reduced amount of child support. The State now appeals, arguing that the 1999 order entered by the clerk and master was invalid and that the arrearage should be calculated using the original child support amount. We affirm, concluding that the clerk and master was acting as a *de facto* judge under the circumstances of this case, and that the 1999 order entered by him is the operative order from which the father's child support arrearage should be calculated.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court is Affirmed**

HOLLY M. KIRBY, J., delivered the opinion of the Court, in which W. FRANK CRAWFORD, P.J., W.S., and ALAN E. HIGHERS, J., joined.

Paul G. Summers, Attorney General and Reporter, and Warren Jasper, Assistant Attorney General, for the appellant, State of Tennessee ex rel. Patsy M. Young.

Sue N. Puckett-Jernigan, Smithville, Tennessee, for the appellee, Danny Fish.

## OPINION

Respondent/Appellee Danny Fish (“Father”) and Patsy M. Young (“Mother”) were divorced in March 1994. In the divorce decree, Mother was given primary custody of the parties’ minor child, Kayla M. Fish (d.o.b. 9/29/89), and Father was required to pay Mother \$55 per week in child support.

On April 30, 1998, Father filed a petition in the trial court below for relief from the child support order. In the petition, Father stated that he became incarcerated in December 1997 under an extended sentence, and was therefore unable to continue to comply with the child support order. Mother did not file a response to Father’s petition. On January 4, 1999, Father filed a motion for default judgment.

Apparently, Father’s petitions were heard on two separate dates, February 16, 1999, and June 14, 1999. While there is no transcript of either hearing in the appellate record, an order dated June 14, 1999 reflects the outcome of both hearings (“the June 1999 order”). Both hearings were held by the Clerk and Master in Warren County, J. Richard McGregor (“McGregor”), who entered the June 1999 order referring to himself as “Special Judge.” There is, however, no order in the record appointing McGregor as a special judge.

As reflected in the June 1999 order, Mother appeared at the February 16, 1999 hearing, apparently *pro se*. Despite the fact that Mother was present at the hearing, McGregor held that Father’s “motion for default judgment is . . . sustained” and that his petition “is hereby, taken for confessed,” adding the puzzling statement that “the case will proceed *ex parte* as to” Mother.

The June 1999 order then indicates that, at the June 14, 1999 hearing, evidence was presented “upon the petition, the default judgment aforesaid . . . .” As to Father, who at that point was incarcerated, McGregor held that his petition for relief from his child support obligation “should be partially sustained because the court finds that [Father] is willfully unemployed . . . .” Based on this finding, McGregor reduced Father’s child support obligation to \$25 per week, effective April 30, 1998. Neither Mother nor Father appealed this order.

Years later, on April 22, 2004, Petitioner/Appellant State of Tennessee (“State”), on behalf of Mother, filed a contempt petition against Father in the trial court. In the petition, the State asserted that Father had failed to pay his child support obligation of \$25 per week as required in the June 1999 order, and that he was \$10,375.71 in arrears as of March 31, 2004. On May 27, 2004, Father filed a response to the petition. In his response, Father said that he was released from prison in October 2001, and claimed that, since his release, he had overpaid his child support in order to pay the arrearage and was current in his child support obligation. In addition, Father filed a counter-petition for a reduction in his child support obligation, claiming that he sustained a shoulder injury on April 1, 2004 and that he had been unable to work since that time. He asked for a suspension of his child support obligation until his physician released him and allowed him to return to work.

On June 15, 2004, the State filed an amended petition for contempt. In the amended petition, the State noted that Father was obligated to pay \$55 per week in child support under the previous court order, presumably the parties' divorce decree. Calculating Father's arrearage under this order, the State claimed, Father was \$20,928.21 in arrears as of May 31, 2004. The State's amended petition did not refer to the June 1999 order entered by Special Judge McGregor. On June 23, 2004, the State, on behalf of Mother, filed an a response to Father's counter-petition asserting that the June 1999 order was invalid because McGregor "was without authority to sign the Order."

The State later filed a motion for a voluntary dismissal of its petition for contempt. On July 22, 2004, this motion was granted and the matter was dismissed without prejudice.

On October 19, 2004, the State, on behalf of Mother, filed another petition against Father. This petition sought to determine his arrearage, obtain a judgment for that arrearage, and to modify Father's child support obligation. The State noted that an order setting Father's child support obligation was entered on November 19, 1993, requiring Father to pay child support of \$55 per week, as well as half of certain other enumerated childcare costs. The State acknowledged the June 1999 order entered by Clerk and Master McGregor, reducing Father's child support obligation to \$25 per week as of April 30, 1998. It claimed, however, that McGregor was never properly appointed to hear this case, and that the parties did not consent for the matter to be heard by him. Therefore, the State averred that McGregor was without authority to hear the case, and that the June 1999 order entered by him was void on its face. This meant that the November 1993 order remained in force and, pursuant to that order, Father was \$23,199.86 (including interest) in arrears as of August 30, 2004. In the alternative, the State argued, if the June 1999 order were held to be valid, Father was in arrears by only \$12,544.54 (including interest), but a significant variance could be established to support modification of the June 1999 order to increase Father's child support obligation. The State also argued that Father was in arrears \$1,687.69 as of September 30, 2004, for failure to pay his half of the other childcare expenses.

On December 3, 2004, Father filed his response to the State's petition, maintaining that, regardless of whether proper procedure was followed for appoint McGregor, the June 1999 order signed by him was valid because McGregor was acting as *de facto* judge. He argued that Mother's sole remedy was to appeal the June 1999 order, which she did not do.

On December 8, 2004, the trial court heard oral argument on the State's petition, Judge Larry B. Stanley, Jr., presiding. Based on the arguments of counsel and on a memorandum of law submitted by the State, the trial court concluded that the June 1999 order was valid, finding "that Clerk and Master Richard McGregor was sitting as *de facto* judge on the date in question and was fulfilling a role as child support referee pursuant to Tennessee Code Annotated § 17-2-122."<sup>1</sup> The trial court

---

<sup>1</sup>Tennessee Code Annotated § 17-2-122 provides:

(a) Notwithstanding the provisions of § 16-15-209 or § 17-2-109 or any other relevant provision to the contrary, a judge shall have the authority to appoint a special judge as provided in this section.

(continued...)

reasoned that “neither party appealed the ruling of the Clerk and Master. While neither party specifically consented to allow the Clerk and Master to hear the case, neither objected or filed any motion within thirty (30) days of the order asking that it be set aside.” Thus, the trial court determined that, although proper procedure was not followed in appointing McGregor to hear the case, McGregor was nevertheless acting under color of right and, consequently, the order entered by him was valid. Accordingly, the trial court denied the State’s request to set aside the June 1999 order. The State, on behalf of Mother, filed an appeal from this order. The appellate court determined that it was not a final appealable order and dismissed the State’s appeal on March 21, 2005.

On July 1, 2005, the State filed another petition on behalf of Mother, asking for an increase in Father’s child support obligation based on a significant variance between the child support guidelines and the amount of child support awarded under the June 1999 order. On August 10, 2005, a hearing on this petition was conducted by the trial court. On November 9, 2005, the trial court entered an order on this petition, reiterating its finding that the June 1999 order entered by McGregor was valid and ordering an increase in Father’s child support obligation to \$40 per week based on a significant variance, retroactive to the date of the State’s original petition filed on October 19, 2004. The State now appeals from this order.

On appeal, the State makes the same argument as it did in the trial court, namely, that the June 1999 order is void *ab initio* because McGregor was without authority to enter an order reducing Father’s child support obligation. The State notes that Rules 11 through 15 of the Warren County Court Local Rules of Practice (“Local Rules”) authorize the Clerk and Master to preside over, *inter alia*, conservatorships, adoptions, and “any case by agreement.” The record does not indicate that the parties had such an agreement in this case, and McGregor was not appointed to the case pursuant to Rule 53 of the Tennessee Rules of Civil Procedure, governing the appointment of special masters. Therefore, the State argues, McGregor was without authority to either preside over the matter or to enter the June 1999 order in this case.

The issue of whether the June 1999 order is valid is a question of law, which we review *de novo*, with no presumption of correctness. **Ganzevoort v. Russell**, 949 S.W.2d 293, 296 (Tenn. 1997); Tenn. R. App. P. 13(d). The State bears the burden of showing that the order is invalid.

---

<sup>1</sup>(...continued)

(b) The provisions of §§ 16-15-209 and 17-2-109 and any other relevant provision shall not apply where a judge finds it necessary to be absent from holding court, and appoints as a substitute judge an officer of the judicial system under the judge's supervision whose duty it is to perform judicial functions, such as a juvenile referee, a child support referee or clerk and master, who is a licensed attorney in good standing with the Tennessee supreme court. Such judicial officer shall only serve as special judge in matters related to their duties as judicial officer.

T.C.A. § 17-2-122 (Supp. 2005).

The practice of having Clerk and Master McGregor sit as a special judge in the thirty-first judicial district has spawned a series of appellate decisions. The thirty-first judicial district encompasses Van Buren and Warren Counties, and it is the only judicial district in Tennessee with one judge who presides over both the circuit and chancery courts of that district. Therefore, there is no other judge in that judicial district to hear a case, by interchange or otherwise. In 1996, the thirty-first judicial district adopted a series of Local Rules purporting to give Clerk and Master McGregor authority to hear certain types of cases, including conservatorships, adoptions, and “all Orders of Protections as has been the practice prior to the enactment of the statutes prohibiting special judges except as provided by statute.” The Local Rules also state that Clerk and Master McGregor was “authorized to hear any cases by agreement of the parties,” adding that, once there was such an agreement, McGregor would hear all subsequent matters in the case, such as contempt or child support issues, unless the parties agreed otherwise, and requiring a party desiring to have another judge to “file a motion to recuse and give the reason,” with the motion to recuse to be heard by McGregor.<sup>2</sup>

McGregor’s handling of a worker’s compensation case in the thirty-first judicial district came to the attention of the Tennessee Supreme Court in a decision of the Special Workers’ Compensation Appeals Panel in *McDowell v. Carrier Air Conditioning Co.*, No. 01S01-9703-CH-0045, 1997 WL 691527 (Tenn. Nov. 7, 1997). In *McDowell*, the Court noted the “unusual” procedure followed, under which Clerk and Master McGregor heard the worker’s compensation case, but there was no appointing order in the record. *McDowell*, 1997 WL 691527, at \*1 n.1. The record included an order reciting the fact that Judge Charles Haston referred the matter to McGregor as a Special Master, and that the court adopted the Special Master’s findings of fact. The court noted, however, that the order reciting these facts was signed, not by Judge Haston, but by McGregor, “sitting as Chancellor *pro tem*.” Moreover, because Special Master McGregor filed no report, that meant that the trial judge had made findings without hearing any proof. The Court then observed: “The anomaly continues: the Special Master, as Judge *Pro Tem* also entered the final judgment, thereby approbating his prior action.” *Id.* Despite the procedural problems, the parties had not raised any issues regarding McGregor’s authority on appeal, so the Court treated the matter as though McGregor had been properly appointed pursuant to Rule 53.04 of the Tennessee Rules of Civil Procedure. *Id.*

The practice in the thirty-first judicial district of having McGregor hear all worker’s compensation cases was discussed in detail by the Tennessee Supreme Court in *Ferrell v. Cigna Property & Casualty Insurance Co.*, 33 S.W.3d 731, 736 (Tenn. 2000). In *Ferrell*, McGregor had

---

<sup>2</sup>The cover memo from McGregor to all attorneys, transmitting the newly adopted Local Rules, unfortunately included the following rather overbearing language:

I realize that it was the client rather than the attorney in most instances that wanted to switch judges in the middle of a case, now you can show them the rule which should settle the argument. Since I don’t get anything extra for hearing these cases, I find it embarrassing when an attorney gets up and says his/her client doesn’t want me to hear his/her case. It has only happened twice that I am aware of, but I don’t like to hear it.

presided over the trial in a workers' compensation case pursuant to a standing order issued by the trial court referring all workers' compensation cases in the district to Clerk and Master McGregor for adjudication. At the conclusion of the trial, Special Judge McGregor found that the plaintiff employee had not filed his claim within the applicable statute of limitations period, and that he had failed to prove that his injury was work related. On appeal, the Supreme Court affirmed McGregor's substantive holding, but also went on to address "the procedure used by the trial court in referring workers' compensation cases to the Clerk and Master." *Id.* at 734.

The *Ferrell* Court first outlined the circumstances under which a special judge or a special master may be appointed to hear a case. It noted that Tennessee Code Annotated § 17-2-118 permits the appointment of the Clerk and Master as a substitute judge "where a judge finds it necessary to be absent from holding court," so long as the clerk is both a licensed attorney in good standing and serves as special judge only in matters related to his or her duties as judicial officer. *Id.* at 737; *see* T.C.A. § 17-2-118(f) (Supp. 2005).<sup>3</sup> The Court emphasized that in order for the elected judge to

---

<sup>3</sup>Section 17-2-118 provides:

(a) If, for good cause, including, but not limited to, by reason of illness, physical incapacitation, vacation or absence from the city or judicial district on a matter related to the judge's judicial office, the judge of a state or county trial court of record is unable to hold court, such judge shall appoint a substitute judge to hold court, preside and adjudicate.

(b) A substitute judge shall possess all of the qualifications of a judge of the court in which the substitute is appointed.

(c) No substitute judge may be appointed for a period of more than three (3) days; provided, that any such judge appointed pursuant to this section may finish any trial that is commenced during the period of appointment.

(d) A substitute judge appointed pursuant to this section shall have no authority to award fees except those that are statutory.

(e) A substitute judge shall not preside over a cause without a consent form signed by all litigants who are present at the beginning of the proceeding. Such consent form shall plainly state that the substitute judge has not been duly elected by the citizens of the judicial district or appointed by the governor but has been appointed pursuant to this section. Further, the consent form shall include the name of the lawyer appointed as substitute judge, the judge of the court in which such substitute judge is sitting, the date for which the substitute judge was appointed, and the reason for the regular judge's absence. The consent form [FN1] shall be transmitted and maintained on file for public inspection at the administrative office of the courts in Nashville.

(f) The provisions of subsections (a)-(e) shall not apply where a judge finds it necessary to be absent from holding court, and appoints as a substitute judge:

(1) A duly elected or appointed judge of any inferior court; or

(2) A full-time officer of the judicial system under the judge's supervision whose

(continued...)

appoint the Clerk and Master under this statute based on absence, the absence must be necessary, not merely convenient, and the judge must first determine that it is not possible to obtain assistance from another judge by interchange or otherwise. *Ferrell*, 33 S.W.3d at 737-38. When such appointment is necessary, the appointment should be for a definite period of time or for a specific case, but not for an entire class of cases. *Id.* at 738. Therefore, the Court determined that the standing order referring workers' compensation cases to Clerk and Master McGregor was not appropriate.

Despite the procedural irregularities, the *Ferrell* court did not reverse McGregor's decision, finding that, in hearing the case, McGregor had acted as a judge *de facto*. The court explained:

A judge *de jure* is one who is exercising the office of a judge as a matter of right: that is, one legally appointed and qualified to exercise the office. A judge *de facto* is one acting with color of right and who is regarded as, and has the reputation of, exercising the judicial function he assumes.

...

[T]he judicial acts of one in possession of a judicial office created and in existence by law, under color of right, assuming and exercising the functions of such office with a good faith belief in his right to exercise such authority, involved and acquiesced in by the parties, the bar, court officials and the public, are those of a *de facto* officer.

*Id.* at 739 (quoting *State ex rel. Newsom v. Biggers*, 911 S.W.2d 715, 718 (Tenn. 1995)). The Court concluded that, "[a]lthough it appears that the proper procedure was not followed in this case, the Clerk and Master unquestionably was acting under color of right. . . . Moreover, the parties consented to the appointment and have not objected on appeal." *Id.* Accordingly, the Court held that McGregor was a *de facto* judge under the circumstances of that case and affirmed his decision.

Despite the rather pointed admonition in *Ferrell*, the issue of Clerk and Master McGregor hearing workers' compensation cases in the thirty-first judicial district arose again in *Woods v. City of McMinnville*, No. M2001-00680-WC-R3-CV, 2002 WL 360325 (Tenn. Workers' Comp. Panel 2002). In *Woods*, the trial took place two months after the *Ferrell* decision was issued. At the outset of the proceedings, Clerk and Master McGregor obtained the parties' written consent to an order by the elected judge appointing him to hear the case as a special judge. The employer appealed his decision. On appeal, even though the issue was not raised by the parties, the Special Workers'

---

<sup>3</sup>(...continued)

duty it is to perform judicial functions, such as a juvenile referee, a child support referee or clerk and master, who is a licensed attorney in good standing with the Tennessee supreme court. Such judicial officer shall only serve as special judge in matters related to that officer's duties as a judicial officer.

Notwithstanding the provisions of subsections (a)-(e), a judge shall have the authority to appoint a substitute judge as provided in this subsection.

T.C.A. §17-2-118 (Supp. 2005).

Compensation Panel of the Supreme Court addressed the validity of McGregor's exercise of judicial authority. The *Woods* court first observed that the Supreme Court in *Ferrell* had found that a standing order appointing the Clerk and Master as a special or substitute judge to hear an entire class of cases was "not appropriate," but nevertheless found that McGregor was acting as a *de facto* judge. *Id.* at \*2 (quoting *Ferrell*, 33 S.W.3d at 739). Finding nothing in the record to indicate how McGregor came to be designated as special judge in that case, the *Woods* court inferred from the transcript of the proceedings that he "presumed to act pursuant to some standing order or letter of appointment." *Id.* at \*3. The court noted that the record did not indicate that the elected judge was "absent from holding court." *Id.* It then stated:

In *Ferrell*, supra, the Tennessee Supreme Court specifically held that such a procedure for selecting a special judge was not authorized by law. That decision was published December 8, 2000, two months before the proceedings before Mr. McGregor in this case. Since the parties consent to Mr. McGregor hearing the case as special judge, and the practice has, in the past, been acquiesced by the local bar and court officials, we would ordinarily hold that he was acting as *de facto* judge and review this matter as we would any other appeal. Where the practice has previously been determined to be irregular, we cannot ignore the requirement that a person assume and exercise "the functions of such office with a *good faith belief* in his right to exercise such authority" in order to act as a *de facto* judge. . . . We find that Mr. McGregor knew or should have known that he could not properly conduct the trial in this case and, therefore, he was not a *de facto* judge. The judgment he entered in this case is void.

*Id.* Thus, finding that McGregor must have known that he was without authority to hear the case, the Court concluded that he was not acting with a good faith belief in his right to hear the case, and therefore was not acting as a *de facto* judge. Consequently, the order he entered was deemed void on appeal, and the cause was remanded for a trial by a duly elected judge.<sup>4</sup> *Id.*

In this appeal, the State argues that this line of cases establishes a history of abuse of judicial authority in the thirty-first judicial district, and that such conduct can no longer be tolerated. The State asserts that "McGregor's own knowledge of the line of Tennessee Supreme Court cases addressing his activities clearly indicates that . . ." McGregor could not have been acting in a good faith belief that he had the authority to act as a judge. The State notes that there is no order in the

---

<sup>4</sup> Other cases also discussed improper referral of matters to Clerk and Master McGregor in the thirty-first judicial district. In *Frazier v. Bridgestone/Firestone, Inc.*, 67 S.W.3d 782, 784 (Tenn. Workers' Comp. Panel 2001), the Court held that referral by Judge Charles Haston to McGregor for the purpose of making findings and conclusions on the main issues in a workers' compensation case was prohibited. In *Reece v. Findlay Indus., Inc.*, 83 S.W.3d 713, 715-718 (Tenn. 2002), the Tennessee Supreme Court held that it was improper for Judge Haston to delegate his duty to hear the main issue in workers' compensation cases to McGregor. The Court found that Haston would sit in the courtroom and hear the proof, and either have McGregor sit in the courtroom as well or have the testimony transcribed and furnished to McGregor. Later, after McGregor had evaluated the evidence, McGregor would draw up an order and Haston would sign it. In open court, McGregor commented that for lawyers to ask Judge Haston to try such a case was "just stupid" because McGregor would in effect be hearing it anyway. *Id.* at 717 n.3. The *Reece* Court reversed the order and remanded the case for a new trial. *Id.* at 718.

record indicating that the parties acquiesced to the February 1999 hearing with knowledge that McGregor was not a judge. Mother appeared *pro se*, and the State maintains that Mother was in fact unaware that McGregor was not a judge. Therefore, the State contends, this Court should conclude that McGregor did not act in good faith in exercising judicial authority over this case and, consequently, was without color of right and was not acting as a *de facto* judge in issuing the June 1999 order.

In this case, we consider first whether McGregor was properly sitting as a special judge. The record is devoid of any indication of the circumstances surrounding the appointment of McGregor as a special judge to preside over Father's petition in either the February 1999 or the June 1999 proceedings. The record contains only a copy of the June 14, 1999 order, signed by Special Judge McGregor and Father's counsel, with a certificate of service to Mother, and entered as an order of the court. There is no order of reference in the record, and no indication that the trial judge's absence was necessary. In fact, there is no indication whatsoever of the reason for the absence of the trial judge. It is undisputed that the parties did not have a formal agreement to have McGregor adjudicate the case. Although Mother concedes that she did not object to McGregor presiding over the matter, it is clear that she was proceeding *pro se*, and the record has no indication that she had knowledge that McGregor was not a judge. Even if this case fit within the Local Rules promulgated by the thirty-first judicial district in 1996, which it does not, those rules would appear to be standing orders appointing the Clerk and Master to hear an entire class of cases, a procedure held to be improper in *Ferrell*. It is apparent, then, that the proper procedures were not followed for Clerk and Master McGregor to sit as Special Judge to hear the matters which are the subject of the June 1999 order.

Therefore, we consider next whether, despite the procedural irregularities, McGregor was exercising judicial authority over the matter as a *de facto* judicial officer acting under a color of right. A "judge *de facto*" was described by the Supreme Court in *Ferrell* as "one acting with color of right and who is regarded as, and has the reputation of, exercising the judicial function he assumes." *Ferrell*, 33 S.W.3d at 739 (quoting *Newsom*, 911 S.W.2d at 718). The *Ferrell* court stated that, "[t]he judicial acts of one in possession of a judicial office . . ., under color of right, assuming and exercising the functions of such office with a good faith belief in his right to exercise such authority, involved and acquiesced in by the parties, the bar, court officials and the public, are those of a *de facto* officer." *Id.*

In all of the prior cases discussing McGregor's authority to adjudicate matters, he had issued the order that was the subject of the appeal. In contrast, in this case, the order at issue was entered by McGregor in June 1999 and was not appealed; the State now appeals the trial court's November 2005 order by arguing the alleged invalidity of the June 1999 order. Moreover, in the case at bar, the hearings conducted by McGregor occurred in February 1999 and June 1999, and the order on those hearings was entered by McGregor in June 1999. As noted by Father's counsel, all of these acts occurred well before the Tennessee Supreme Court issued its decision in *Ferrell* in December 2000. McGregor, then, was not yet on notice that his actions were considered unauthorized. In addition, in *Ferrell*, the Court points out that two Tennessee statutes authorize the appointment of clerks and

masters as special judges, and concluded based on these statutes that McGregor was acting under color of right. *Ferrell*, 33 S.W.3d at 739.

Under all of these circumstances, we must conclude that, in issuing the June 1999 order, McGregor was acting under color of right as a *de facto* judge. Consequently, the June 1999 order entered by him is valid, and the trial court's November 2005 decision based on that order must be affirmed.

The decision of the trial court is affirmed. Costs on appeal are to be taxed to Appellant State of Tennessee ex rel. Patsy M. Young, for which execution may issue, if necessary.

---

HOLLY M. KIRBY, JUDGE